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11 Attorneys for Plaintiff
12 FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 FACEBOOK, INC.,

18 Plaintiff,

19 v.

20 STUDIVZ LTD., HOTLZBRINCK
21 NETWORKS GmbH, HOLTZBRINCK
22 VENTURES GmbH, and DOES 1-25,

23 Defendant.

Case No. 5:08-cv-03468 JF

**FACEBOOK, INC.'S FIRST SET OF
REQUESTS FOR PRODUCTION TO
DEFENDANT STUDIVZ LTD.
RELATING TO PERSONAL
JURISDICTION**

24 YOU ARE HEREBY REQUESTED, pursuant to Rule 34 of the Federal Rules of
25 Civil Procedure, to respond to the following requests for production separately and fully, in
26 writing, and under penalty of perjury, within thirty (30) days after service or whatever date is
27 ordered by the Court, whichever is sooner.
28

DEFINITIONS

A. "ANY" shall be understood to include and encompass "ALL." As used herein, the singular shall always include the plural and the present tense shall also include the past tense. The words "AND" as well as "OR" shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request ALL DOCUMENTS or things that might otherwise be construed to be outside its scope.

B. The terms "PERSON" and "PERSONS" mean both natural persons and legal entities, including without limitation, corporations, companies, firms, partnerships, joint ventures, proprietorships, associations, and governmental bodies or agencies. Unless noted otherwise, references to any person, entity or party herein include its, his, or her agents, attorneys, employees, employers, officers, directors, or others acting on or purporting to act on behalf of said person, entity, or party.

C. "EVIDENCE" or any variant thereof, including but not limited to "EVIDENCING," when used in connection with any document, shall be understood to apply if the document directly or indirectly mentions, discusses, constitutes, concerns, supports contradicts, relates to, refers to, or in any other way deals with the subject matter described in the request in which the term appears.

D. "REFER TO" or "RELATE TO" as used herein mean pertaining to, relevant to, material to, evidencing, affecting, comprising, discussing, dealing with, considering or otherwise concerning in any manner whatsoever the subject matter of the inquiry.

E. As used herein, the term "DOCUMENT" means the original and each non-identical copy of any written, printed, typed, recorded, computerized, electronic, taped, graphic, or other matter, in whatever form, whether in final or draft, including but not limited to all materials that constitute "writings" or "recordings" or "photographs" within the broadest meaning of Rule 34 of the Federal Rules of Civil Procedure. The word "Document" includes, without limitation, printed matter, electronic mail, materials stored on computer hard drives, diskettes, tapes, any other computer media, recorded voice mail messages and any other information stored magnetically, optically or electronically.

1 F. "COMMUNICATION" as used herein means any contact, oral or documentary,
2 formal or informal, at any place or under any circumstances whatsoever whereby information of
3 any nature is transmitted or transferred, including without limitation, any note, memorandum or
4 other record thereof, or a single person seeing or hearing any information by any means.

5 G. "STUDIVZ," "YOU," "YOUR," means defendant StudiVZ, Ltd. and its directors,
6 officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees,
7 investigators, attorneys, AND ALL other persons and entities representing it acting on its behalf,
8 OR purporting to act on its behalf, including without limitation, Ehassan Dariani and Dennis
9 Bemann.

10 H. "FACEBOOK" means, without limitation, Facebook, Inc. (formerly
11 TheFacebook, Inc.), its past and present parents, subsidiaries, affiliates, predecessors, divisions,
12 officers, directors, trustees, employees, staff members, agents, counsel, representatives,
13 consultants, AND ALL PERSONS acting or purporting to act on its behalf.

14 I. "USERS OF STUDIVZ" means, without limitation, PERSONS registered to use
15 the services provided by STUDIVZ, including without limitation, those provided at the
16 www.studivz.net website, the www.meinvz.net website, the www.studiqg.fr website,
17 www.studiln.it website, the www.estudiln.net website, the www.studentix.pl website, and the
18 www.schuelervz.net website.

19 J. "USERS OF FACEBOOK" means, without limitation, PERSONS registered to
20 use the services provided by FACEBOOK at www.facebook.com and, previously,
21 www.thefacebook.com.

22 K. "COMPUTER CODE" means scripts, programs, or other code that YOU use or
23 used or developed or in any way participated or assisted in the development thereof, in any
24 computer language (such as "PHP" or "Perl").

25 **INSTRUCTIONS**

26 A. In responding to the following requests, you are required to provide ALL
27 DOCUMENTS that are available to YOU or within YOUR control, including DOCUMENTS in
28 the possession of YOUR attorneys, investigators, employees, agents, representatives, and

1 guardians or any other person acting on YOUR behalf, and not merely DOCUMENTS from
2 YOUR own personal files.

3 B. If YOU object to any of the requests, YOU must state the grounds for any
4 objection(s). If YOU object to only part of a request, YOU must state the objection and the
5 grounds for any objection(s) and respond to the remainder of the request.

6 C. If YOU object to the production of any document on the grounds that it is
7 protected from disclosure by the attorney-client privilege, work-product doctrine, or any other
8 privilege, YOU are requested to identify each document for which the privilege is claimed and
9 give ALL information required by applicable case law, including but not limited to the following:

10 a. the name of the writer, sender, or initiator of each copy of
11 the document;

12 b. the name of the recipient, addressee, or party to whom any
copy of the document was sent;

13 c. the date of each copy of the document, if any, or an estimate
14 of its date;

15 d. a statement of the basis for the claim of privilege; and

16 e. description of the document sufficient for the Court to rule
on the applicability and appropriateness of the claimed privilege.

17 **REQUESTS FOR PRODUCTION**

18 **REQUEST FOR PRODUCTION NO. 1:**

19 ALL DOCUMENTS that RELATE TO ANY contracts OR agreements between YOU
20 AND ANY business licensed, located, based, OR incorporated in California OR ANY PERSON
21 currently OR formerly residing OR domiciled in California.

22 **REQUEST FOR PRODUCTION NO. 2:**

23 ALL DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing OR
24 domiciled in California, including ALL COMMUNICATIONS.

25 **REQUEST FOR PRODUCTION NO. 3**

26 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between YOU AND
27 FACEBOOK.

1 **REQUEST FOR PRODUCTION NO. 4**

2 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of goods AND
3 services sold OR provided by YOU to current OR former California residents, including
4 PERSONS, businesses, AND USERS of STUDIVZ.

5 **REQUEST FOR PRODUCTION NO. 5**

6 DOCUMENTS THAT RELATED TO the relationship of VERLAGSGRUPPE GEORG
7 VON HOLTZBRINCK GmbH, HOTLZBRINCK NETWORKS GmbH, AND HOLTZBRINCK
8 VENTURES GmbH to OR with STUDIVZ, including without limitation, the investments of
9 VERLAGSGRUPPE GEORG VON HOLTZBRINCK GmbH, HOTLZBRINCK NETWORKS
10 GmbH, AND HOLTZBRINCK VENTURES GmbH, in, AND control OR influence over
11 STUDIVZ.

12 **REQUEST FOR PRODUCTION NO. 6**

13 DOCUMENTS sufficient to describe in detail the organizational structure of STUDIVZ
14 from their creation until the present, including DOCUMENTS sufficient to identify ALL
15 shareholders, officers, employees, investors, AND directors.

16 **REQUEST FOR PRODUCTION NO. 7**

17 DOCUMENTS that RELATE TO STUDIVZ's business OR corporate records, including
18 without limitation, meeting minutes, Articles of Incorporation, operating agreements, stock
19 agreements, AND ANY DOCUMENTS that RELATE TO STUDIVZ's observance of corporate
20 formalities, as well as Units, Capital Accounts, AND Management Reports

21 **REQUEST FOR PRODUCTION NO. 8**

22 DOCUMENTS that RELATE TO STUDIVZ's financial history, including without
23 limitation, financial reports, profit/loss statements, budgets, financial planning DOCUMENTS,
24 accounts payable, accounts receivable, AND loan DOCUMENTS, as well as Financial Reports,
25 Capital Accounts, AND Adjusted Capital Accounts.

26 **REQUEST FOR PRODUCTION NO. 9**

27 DOCUMENTS that RELATE TO ANY contacts OR COMMUNICATIONS YOU have
28 had with PERSONS currently OR formerly residing OR domiciled in California; businesses

1 (including without limitation, Internet search engines providers such as Google Inc. AND Yahoo!
2 Inc., server providers, advertising agencies, advertisers, Internet service providers, computer
3 equipment providers, YOUR licensors AND licensees) currently OR formerly located, licensed,
4 based, OR incorporated in California; AND universities, colleges, high schools located in
5 California, including without limitation, letters, emails, advertising materials, business
6 solicitations, business contacts, telephonic conversations, facsimile transmissions, AND trips to
7 California.

8 **REQUEST FOR PRODUCTION NO. 10**

9 DOCUMENTS sufficient to show, on a monthly basis, how many USERS OF STUDIVZ
10 have been registered on www.studivz.net, www.meinvz.net, www.studiqg.fr, www.studiln.it,
11 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net since October 2005, AND how
12 many of those USERS OF STUDIVZ are residents of California.

13 **REQUEST FOR PRODUCTION NO. 11**

14 DOCUMENTS sufficient to show the number AND amount of accounts receivable owed
15 YOU by California residents, including PERSONS AND entities, as well as the goods AND
16 services for which the individual accounts receivable are owed to.

17 **REQUEST FOR PRODUCTION NO. 12**

18 DOCUMENTS sufficient to show ALL of YOUR current AND former personal OR real
19 property currently OR previously located in California.

20 **REQUEST FOR PRODUCTION NO. 13**

21 ALL contracts involving YOU in which California law governs.

22 **REQUEST FOR PRODUCTION NO. 14**

23 ALL DOCUMENTS RELATED TO instances when YOU accessed FACEBOOK
24 website, www.facebook.com OR www.thefacebook.com.

25 **REQUEST FOR PRODUCTION NO. 15**

26 IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to do business
27 in California.

1 **REQUEST FOR PRODUCTION NO. 16**

2 ALL DOCUMENTS RELATED TO the services provided by www.studivz.net,
3 www.meinvz.net, www.studiqg.fr, www.studiln.it, www.estudiln.net, www.studentix.pl, AND
4 www.schuelervz.net to USERS OF STUDIVZ, including how they are provided.

5 **REQUEST FOR PRODUCTION NO. 17**

6 ALL DOCUMENTS RELATED TO the circumstances surrounding the formation of
7 STUDIVZ as a company, including filings, investments, communications, capitalization,
8 directors, officers, attorneys, investors, AND reasons for the formation.

9 **REQUEST FOR PRODUCTION NO. 18**

10 ALL DOCUMENTS RELATED TO current AND former directors, officers, employees,
11 AND agents of STUDIVZ, including DOCUMENTS RELATED TO dates in these positions,
12 duties, authorities, AND responsibilities.

13 **REQUEST FOR PRODUCTION NO. 19**

14 ALL DOCUMENTS RELATED TO YOUR promotions AND marketing activities
15 directed, at least in part, at California residents.

16 **REQUEST FOR PRODUCTION NO. 20**

17 DOCUMENTS sufficient to identify ALL of YOUR business relationships with, OR
18 financial interests in, businesses incorporated, located, based, OR with facilities OR offices
19 located in California, including the nature of each relationship, including the name of each
20 business, whether each business is incorporated, located, based OR has facilities OR offices
21 located in California, AND the nature of the relationship, including ANY goods OR services
22 provided.

23 **REQUEST FOR PRODUCTION NO. 21**

24 DOCUMENTS sufficient to show the ownership of STUDIVZ, including without
25 limitation PERSON'S names, amounts they contributed OR invested, AND their percent
26 ownership OR control on a by-PERSON basis.

27 **REQUEST FOR PRODUCTION NO. 22**

28 ALL DOCUMENTS RELATED TO universities, colleges, high schools, AND institutes

1 of higher learning located in California at which STUDIVZ provides OR provided services
2 including without limitation access to www.studivz.net, www.meinvz.net, www.studiqq.fr,
3 www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net, including
4 without limitation University of California (ALL campuses), California State University (ALL
5 campuses), as well as the USERS OF STUDIVZ using email domains (*e.g.*, name@stanford.edu)
6 from those universities, colleges, high schools, AND institutes of higher learning.

7 **REQUEST FOR PRODUCTION NO. 23**

8 ALL versions of COMPUTER CODE YOU wrote, programmed OR helped develop that
9 RELATES TO www.studivz.net, www.meinvz.net, www.studiqq.fr, www.studiln.it,
10 www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.

11 **REQUEST FOR PRODUCTION NO. 24**

12 A copy of ALL executable versions of COMPUTER CODE YOU use, used, developed
13 OR helped develop that RELATES TO www.studivz.net, www.meinvz.net, www.studiqq.fr,
14 www.studiln.it, www.estudiln.net, www.studentix.pl, AND www.schuelervz.net.

15 **REQUEST FOR PRODUCTION NO. 25**

16 ALL COMMUNICATIONS that RELATES TO FACEBOOK, its website, OR the servers
17 it uses, used, accesses OR accessed.

18 **REQUEST FOR PRODUCTION NO. 26**

19 ALL COMMUNICATIONS that RELATES TO OR REFERS TO FACEBOOK.

20 **REQUEST FOR PRODUCTION NO. 27**

21 A copy of ALL versions of COMPUTER CODE (including, without limitation, source
22 code, object code and scripts) YOU wrote, which YOU used, OR use OR for which YOU paid
23 that was designed to extract information from any website, including thefacebook.com OR
24 facebook.com.

25 **REQUEST FOR PRODUCTION NO. 28**

26 ALL DOCUMENTS related to any account YOU created to access any Facebook website,
27 including thefacebook.com AND facebook.com.
28

1 **REQUEST FOR PRODUCTION NO. 29**


2 ALL COMMUNICATIONS OR DOCUMENTS concerning or that RELATE TO the use
3 of any server, including proxy server, to access FACEBOOK's server(s) OR website(s).

4 **REQUEST FOR PRODUCTION NO. 30**

5 ALL DOCUMENTS reflecting, associated with, OR that RELATE TO any of YOUR
6 responses to Interrogatories in this action.

7
8 Dated: October 14, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

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11 WARRINGTON S. PARKER III
12 Attorneys for Plaintiff
13 FACEBOOK, INC.
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1 **PROOF OF SERVICE**

2 I am a resident of the State of California and over the age of eighteen years, and
3 not a party to the within action. On October 14, 2008, I served the within document(s):
4

5 **FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION TO**
6 **DEFENDANT STUDIVZ LTD. RELATING TO PERSONAL JURISDICTION**

7 By placing the document(s) listed above in a sealed envelope with postage thereon
8 fully prepaid, in the United States mail at San Francisco, California addressed as set
9 forth below on October 14, 2008.

10 By transmitting via facsimile the document(s) listed above to the fax number(s) set
11 forth below before 5:00 p.m. on October 14, 2008.

12 By causing personal delivery by WESTERN MESSENGER of the document(s)
13 listed above to the person(s) at the address(es) set forth below.

14 By personally delivering the document(s) listed above to the person(s) at the
15 address(es) set forth below.

16 **X** By placing a true and correct copy of the document(s) in a Federal Express envelope
17 addressed as set forth below and then sealing the envelope, affixing a pre-paid
18 Federal Express air bill, and causing the envelope to be delivered to a Federal
19 Express agent for delivery.

20 **Stephen S. Smith**
21 **William Mielke Walker**
22 **GREENBERG GLUSKER FIELDS**
23 **CLAMAN & MACHTINGER LLP**
24 1900 Avenue of the Stars
25 Los Angeles , CA 90067
26 Tel: 310-553-3610
27 Fax: 310-553-0687
28 email: wwalker@greenbergglusker.com

Attorney for Defendants
STUDIVZ LTD., HOLTZBRINCK
NETWORKS GmbH, HOTZBRINCK
VENTURES GmbH

Executed on October 14, 2008, at San Francisco, California.

I declare under penalty of perjury under the laws of the United States that the
foregoing is true and correct.

Anne Devlin